

REMARKS/ARGUMENTS

By the *Final Office Action* of 24 June 2009, Claims 1-2, 4-17, 19, and 75-77 are pending in the Application. All pending claims are rejected. Applicant thanks the Examiner with appreciation for the careful consideration and examination.

By the present *Response*, Claims 1-2, 4-17, 19, and 75-77 are pending in the Application, and all pending claims remain in their previous forms.

Applicant submits this *Response* solely to facilitate prosecution. As such, Applicant reserves the right to present new or additional claims in this Application that have scope similar to, or broader than, those originally filed. Applicant also reserves the right to present additional claims in a later-filed continuation application that have scope similar to, or broader than, those originally-filed. Therefore, any amendment, argument, or claim cancellation is not to be construed as abandonment or disclaimer of subject matter.

No new matter is believed introduced by this submission, as no amendments are made herein. It is respectfully submitted that the present Application is in condition for allowance for at least the reasons set forth below.

I. Applicant Disagrees with the Claim Rejections

Claims 1-2, 4-17, 19, and 75-77 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over various combinations of U.S. Patent Application 2003/0196980 to Ahn, U.S. Patent No. 6,902,074 to Albrecht; U.S. Patent Application No. 2003/0206164 to Juenger, U.S. Patent No. 5,300,943 to Jakobs et al., and U.S. Patent Application No. 2003/0001825 to Omura et al..

Applicant respectfully disagrees with these rejections at least because the cited combinations fail to disclose the following non-obvious features of Applicant's independent claims:

- a positioning element counterbalancing the weight of an interactive display by applying an upward force to counteract a downward force of the interactive display, thereby allowing for vertical adjustment of the interactive display with a vertical repositioning force of less than about 25 pounds (Claims 1 and 77); and
- a positioning assembly enabling positioning of an interactive display in a continuous range between a bottom height and a top height (Claim 75), or positioning an

interactive display at any height between a bottom height and a top height (Claims 75 and 77).

Applicant will discuss in details below how the above recited features are not disclosed or suggested by the cited combinations.

II. The Cited Combinations Fail to Disclose Counterbalancing the Interactive Display As Claimed

The Examiner admits that Ahn, the primary reference, fails to disclose “counterbalance[ing] weight of the interactive display by applying an upward force to counteract a downward force of the interactive display, thereby allowing for the continuous level of vertical adjustment of the interactive display with a vertical repositioning force of less than about 25 pounds,” as was previously recited in Claims 1 and 77. (*Final Office Action*, p. 3.) In an attempt to rectify this admitted deficiency of Ahn, the Examiner alleges that it would have been obvious to modify Ahn to include this previously recited feature. (*Final Office Action*, p. 3.)

Contrary to the Examiner’s allegation, it is physically impossible to modify Ahn to include the feature of counterbalancing.

As illustrated in FIG. 20 of Ahn, which is reproduced below, a mounting apparatus of Ahn comprises stationary support ladders 106. (Ahn, ¶71.). Each ladder 106 has multiple cross-braces, or rungs 54, which are positioned, as illustrated, at predetermined discrete positions along the height of the ladder 106. (*Id.*) Connecting devices 105 and 108 are mounted on the rungs 54 at the predetermined positions, and various items may be displayed on the connecting devices 105 and 108. (*Id.*) To relocate a displayed object or connecting device 105 or 108 to a different height, a person must disconnect the connecting device 105 or 108 from a rung 54, and then reconnect the connecting device 105 or 108 to a different rung at a different predetermined height. In other words, to vertically reposition an item displayed on the mount, one must remove the item from the mount, and then replace the item in a different position on the mount.

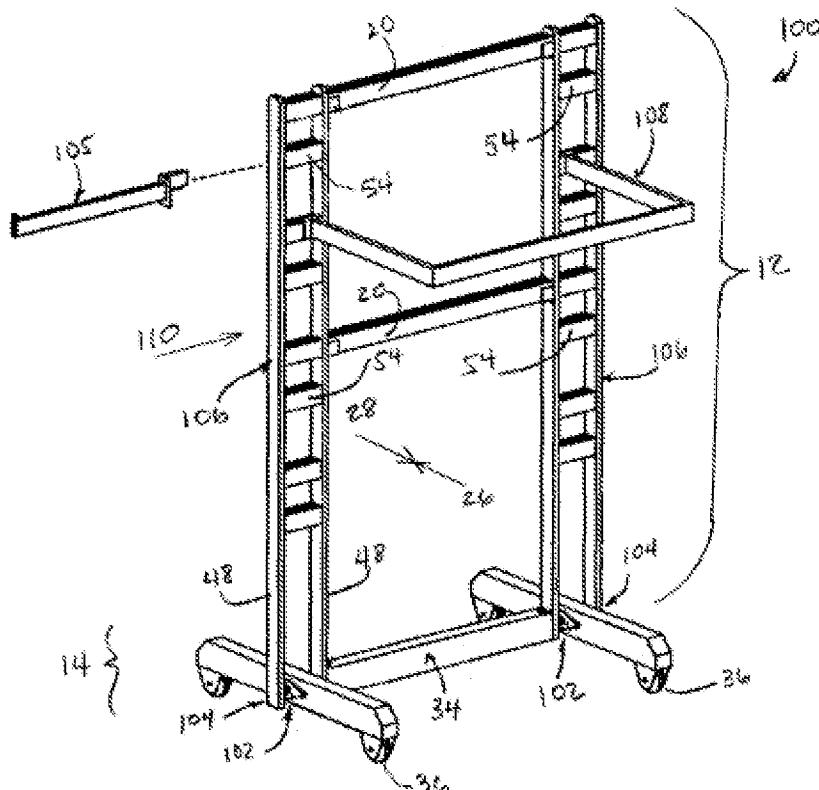


FIG. 20

According to the laws of physics, lifting an object upward requires application of a force at least as great as the force applied downward by the object. For example, the total force required to lift a one-hundred pound plasma display is at least one-hundred pounds. Counterbalancing occurs when a mount produces an upward force, which can be combined with an upward force applied by a person, to reposition the object. As a result, the person does not need to apply the entire required force, e.g., at least one-hundred pounds for a one-hundred pound plasma, to move the object upward. For a mount to implement counterbalancing of an object during repositioning, the mount must be engaged to the object while the object is being repositioned. Without engagement of the mount to the object, the mount cannot apply an upward force on the object during repositioning.

According to the operation of Ahn, when a connecting device 105 or 108 is removed from a rung 54, the connecting device 105 or 108 is no longer engaged to, or supported by, the mounting apparatus 100. Accordingly, *it is impossible* for the mounting apparatus 100 of Ahn to counterbalance the connecting device 105 or 108 while the connecting device 105 or 108 is being repositioned, because the mounting apparatus 100 is not engaged to the connecting device

105 or 108 while the connecting device 105 or 108 is being repositioned. In that case, the entire force required to reposition the connecting device 105 or 108 must be provided by the person doing the repositioning. Therefore, counterbalancing a connecting device 105 or 108 during upward repositioning is not suggested, or even possible, given the operation of the mounting apparatus in Ahn. To provide such a feature in the mounting apparatus of Ahn is impossible without impermissibly change a principal of operation of Ahn. (MPEP § 2143.01 (VI).)

For at least the above reasons, Applicant respectfully submits that it is non-obvious, and impossible, to modify Ahn to provide “a positioning element counterbalancing the weight of an interactive display by applying an upward force to counteract a downward force of the interactive display, thereby allowing for the continuous level of vertical adjustment of the interactive display with a vertical repositioning force of less than about 25 pounds,” as recited in Claims 1 and 77.

Accordingly, for at least the above reasons, Applicant respectfully submits that Applicant’s independent claims, Claims 1, 75, and 77, are patentable over the cited combinations.

III. The Cited Combinations Fail to Disclose a Continuous Range of Adjustment

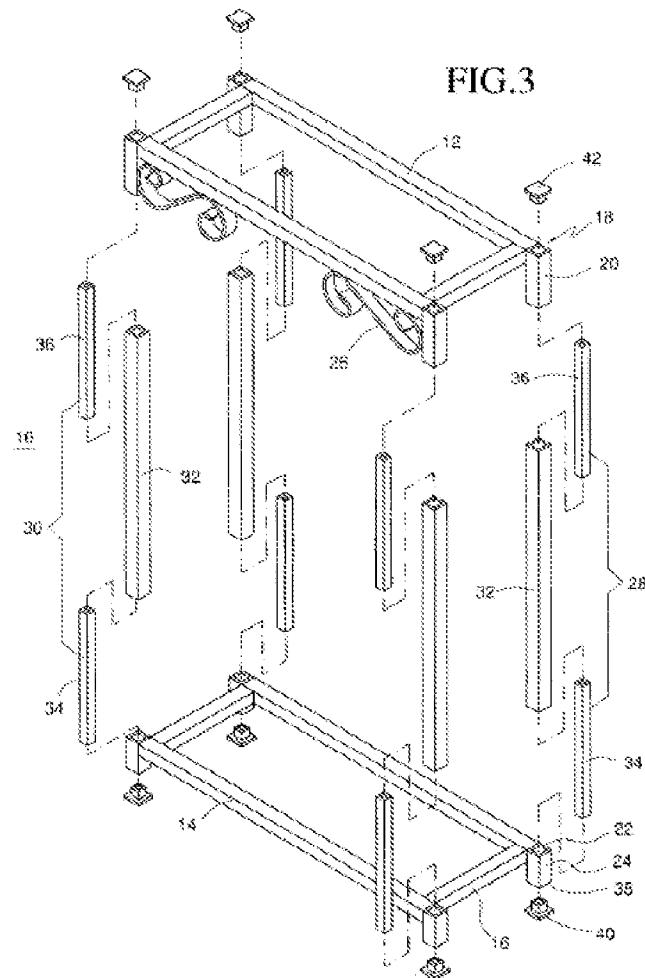
Independent Claims 75 and 77 recite, respectively, a “positioning assembly enabling positioning of the interactive display in a *continuous range* between the bottom height and the top height, wherein the interactive display is positionable *at any height* between the bottom height and the top height” and a “positioning assembly enabling positioning of the interactive display *at any height* between the bottom height and the top height” (emphasis added). The Examiner alleges that the cited combinations, specifically Albrecht, disclose these features of Claims 75 and 77. (*Final Office Action*, pp. 4-5.) Applicant respectfully disagrees.

Contrary to the Examiner’s allegation, Albrecht does not disclose this recited feature. Although the elements of the support stand of Albrecht are slidable for assembly of the stand, the slidability is for assembly purposes only and does not enable adjustability of the support stand. The support stand can be assembled into only a single, predetermined, non-adjustable configuration.

Albrecht discloses a knock-down support stand for supporting heavy objects, such as aquariums. (Albrecht, col. 1, ll. 45-49.) The support stand is comprised of various parts that

slide together to form double-tubing. (Albrecht, col. 1, ll. 49-54.) A pair of first and second elements of the support stand interconnects by sliding an inner tubing section of the first element into an outer tubing section of the second element. (*Id.*) The result is a pair of inter-connected elements forming a double-tubed section. (*Id.*)

Although the elements of the support stand are slidable for assembly of the stand, the slidability is *not* meant to enable adjustability of the support stand. The support stand is designed to be assembled into a single, predetermined, non-adjustable configuration. Reproduced below, FIG. 3 of Albrecht illustrates assembly of the support stand.

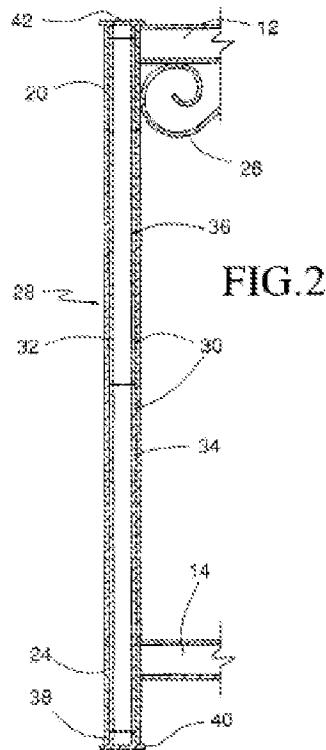


As described by Albrecht:

To assemble the stand 10, the inner sleeve sections 34 of the support legs 28 are inserted into the vertical hollow sleeves 24 of the lower frame 14 *until they contact the floor or other support surface*. Next, the outer sleeves 32 of the support legs 28 are slid over the inner sleeve sections 34 *until they abut the top ends of the lower frame vertical sleeves 24*. The second group of inner sleeve sections 36 are next slid into the outer sleeves 32 *until they engage the top ends of*

the first group of inner sleeve sections 34. Finally, the upper frame 12 is mounted in the exposed upper ends of the inner sleeve sections 36 so that the vertical hollow sleeves 20 engage the top ends of the support leg outer sleeves 32. A corresponding one of a plurality of plastic caps or the like 42 is then preferably inserted into each of the open top ends of the vertical sleeves 20 on the upper frame 12. (Albrecht, col. 3, ll. 17-32, emphasis added.)

A section of the assembled support stand is illustrated in FIG. 2 of Albrecht below. As described and illustrated above, various elements of the support stand slide into their predetermined ultimate positions, and then they can no longer slide any further. (*Id.*) Then, such elements are locked into place by plastic caps. (*Id.*) FIG. 2 illustrates that the various elements are fixed together in unmoving, non-adjustable positions. As is visible in FIG. 2, each outer element abuts adjacent outer elements. Similarly, although not visible, each inner element abuts adjacent inner elements. Accordingly, once the support stand is assembled, the various elements of the support stand are immobile and non-adjustable.



As a result, the support stand of Albrecht can be assembled into only a single, predetermined, non-adjustable configuration.

Additionally, Albrecht cannot be modified to provide adjustability. Albrecht states that, “the stand is very sturdy by virtue of the double walled construction of the support legs in which the inner sleeves run the full lengths of the legs and the frame hollow sleeves.” (Albrecht, col. 2,

II. 9-11.) Modifying Albrecht by allowing various inner and outer sections to slide for adjustability purposes would result in the inner sleeves no longer “run[ning] the full lengths of the legs and the frame hollow sleeves.” Such a modification would cause the support stand to lose its sturdiness and ability to support very heavy objects, such as aquariums. As a result, the modified support stand would be unsatisfactory for its intended purpose, so Albrecht cannot be modified in this manner. (MPEP § 2143.01(V).)

As discussed above, Albrecht fails to disclose or suggest *any* adjustability of a support stand. Therefore, a displayed object can be positioned at a single predetermined height if using a support stand in accordance with Albrecht. Accordingly, the cited combinations, including Albrecht, fail to disclose or suggest “a positioning assembly enabling positioning of the interactive display in a *continuous range* between the bottom height and the top height, wherein the interactive display is positionable *at any height* between the bottom height and the top height” or a “positioning assembly enabling positioning of the interactive display *at any height* between the bottom height and the top height,” as recited in Claims 75 and 77.

Accordingly, for at least the above reasons, Applicant respectfully submits that Applicant’s independent claims, Claims 1, 75, and 77, are patentable over the cited combinations.

IV. Applicant’s Dependent Claims Are Patentable over the Cited Combinations

Applicant’s dependent claims, Claims 2, 4-17, 19, and 76, are patentable over the cited combinations by virtue of their dependence on Applicant’s independent claims, and for the additional features recited in the dependent claims. Thus, Applicant’s dependent claims are believed allowable.

V. Fees

No fees are believed due with this submission. This *Response* is being filed within six months of the *Final Office Action*, and more specifically within two months. Accordingly, no extension of time fee is believed due. The numbers of total and independent claims remain less than those paid for upon filing, so no claim fees are believed due. Nonetheless, the Commissioner is expressly authorized to charge any unpaid fees, or credit any overpayment, to Deposit Account No. 20-1507 for acceptance of this submission.

CONCLUSION

This *Response* is believed a complete response to the *Final Office Action* of 24 June 2009. By this *Response*, Claims 1-2, 4-17, 19, and 75-77 are pending in the Application for examination purposes, and the Application has been placed in full condition for allowance. It is respectfully requested that the rejections be withdrawn and that the case be processed to issuance in accordance with Patent Office business.

Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.3178.

Respectfully submitted,

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